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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MANNING, JOHN

ART UNIT PAPER NUMBER

2623

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/653,381

Applicant(s)

BAYRAKERI ET AL.

Examiner

John Manning

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23, 25 and 28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23, 25, 28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10, 14, 16-17, 19-23, 25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludvig et al (International Pub No WO 00/0589) in view of Allibhoy et al. (US Pat No 5,805,155).

In regard to claim 1, Ludvig discloses producing a video frame sequence representing an interactive program guide IPG, where the encoding process of the produced video frame is performed within the head end of an information distribution system. Ludvig discloses receiving, from service provider equipment, objects comprising video slice encoded by a service provider, where the search object is for an interactive program guide (See: Page 4, Line 8 – Page 5, Line 12). Ludvig fails to explicitly disclose, "receiving one or more search criteria via user interaction with said

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search object", "sending a request for a search along with the one or more search criteria to a head end of an information distribution system", "receiving at least one search result from the service provider equipment" or that "the program guide database is searched at the service provider equipment". Allibhoy discloses a searching apparatus located at the headend. Allibhoy teaches "receiving one or more search criteria via user interaction with said search object", "sending a request for a search along with the one or more search criteria to a head end of an information distribution system", "receiving at least one search result from the service provider equipment" and that "the program guide database is searched at the service provider equipment" so as to associate "a set-top query for dynamic data that has specific and never-changing attributes with all of the ITV system's data-assets that satisfy the set-top query" (Col 1, Lines 34-38). The claimed method is met as follows: the claimed step of "receiving one or more search criteria via user interaction with said search object" is met by Figure 4, Item 50. The claimed steps of "sending a request for a search along with the one or more search criteria to a head end of an information distribution system" and claimed step of "receiving at least one search result from the service provider equipment" are met by Figure 4, Item 51. The claimed step "wherein the program guide database is searched at the service provider equipment" is met by Figure 4, Item 53. Consequently, it would have been obvious to one of ordinary skill in the art to modify Ludvig with "receiving one or more search criteria via user interaction with said search object", "sending a request for a search along with the one or more search criteria to a head end of an information distribution system", "receiving at least one search result from the

service provider equipment” and that “the program guide database is searched at the service provider equipment” so as to for the stated advantage (Also see: Col 5, Line 54 – Col 7, Line 39; Col 9, Line 19 – Col 10, Line 3).

In regard to claim 2, Allibhoy discloses displaying the search results (See Figure 4, Item 57).

In regard to claims 3-4, the claimed limitations of “highlighting a channel object on the displayed IPG page corresponding to one received search result” and “wherein the channel object is highlighted by placing a cursor on the channel object” are disclosed in Ludvig (See Page 18, Lines 13-33).

In regard to claim 5, the claimed method is met as follows: the claimed steps of “receiving an indication that the highlighted channel object has been selected; retrieving one or more streams associated with the selected channel object; and decoding the one or more retrieved streams to recover a selected program” are disclosed in Ludvig (See Page 20, Lines 3-13).

In regard to claim 6, Ludvig discloses the user making selections with an input device (Also see: Allibhoy, Figure 1, Item 17).

In regard to claim 7, the Allibhoy discloses multiple searches (Col 6, Line 16-23). “Receiving an indication to view a next search result” and “displaying an IPG page included therein the next search result” is inherent to the combination.

In regard to claim 8, it is noted that the examiner interprets “one or more” to be written in the alternative, such that the limitation may be met by either one *or* more. Therefore, claim 8 met by that discussed above for claim 2.

In regard to claim 9, Ludvig discloses identifying IPG pages using packet identifiers (PIDs) (See Page 12, Line 32 – Page 13, Line 20).

In regard to claim 10, it is inherent that the search engine of Allibhoy returns and for subsequent display only that which meets the search criteria.

Claims 14 and 16 is met by that discussed for claim 1.

In regard to claim 17, Ludvig discloses program guide information source (See Page 7, Lines 13-21; Also see Allibhoy, Figure 3, Items 18-19).

In regard to claim 19, the Allibhoy discloses searching with one or more keywords (See Col 2, Lines 6-26).

Claim 20 is met by that discussed for claim 1.

Claim 21 is met by that discussed for claim 4.

Claim 22 is met by that discussed for claim 6.

Claim 23 is met by that discussed for claim 2.

In regard to claim 25, Ludvig discloses the user of bitmaps (See Page 17, Line 27-Page 18, Line 7).

In regard to claim 28, the combined teaching fails to disclose activating/deactivating an object based on cursor position. The Examiner takes Official Notice that it is notoriously well known in the art to use cursor position to activate/deactivate an object so as to provide the user with a graphical user interface that is easy to use. Consequently, it would have been obvious to one of ordinary skill in the art to modify the combined teaching with activating/deactivating an object based on cursor position for the stated advantage.

4. Claims 11-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludvig et al. in view of Allibhoy et al. and further in view of Lemmons et al. (US Pat App Pub No 2003/0115603).

In regard to claim 11, the combined teaching discloses a search tool that enables a user to search an electronic program guide. The combined teaching fails to explicitly disclose the step providing the search result in a particular order of relevance.

Lemmons teaches providing search result in a particular order of relevance so as to allow the user to access programs of interest first (Paragraphs 0080-0088).

Consequently, it would have been clearly obvious to one of ordinary skill in the art to modify the combined teaching with providing a search result in a particular order of relevance for the stated advantage.

In regard to claims 12 and 13, the combined teaching discloses a search tool that enables a user to search an electronic program guide. The combined teaching fails to explicitly disclose the step providing the search result base on show times where show time closest to present time is provided first and the search result having a scheduled show time furthest from the present time is provided last. Lemmons teaches providing the search result base on show times where show time closest to present time is provided first and the search result having a scheduled show time furthest from the present time is provided last so as to allow the user to access programs that will be starting at a time close to the present (Paragraph 0088). Consequently, it would have

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been clearly obvious to one of ordinary skill in the art to modify the combined teaching to provide the search result base on show times where show time closest to present time is provided first and the search result having a scheduled show time furthest from the present time is provided last for the stated advantage.

In regard to claim 15, the combined teaching discloses a search tool that enables a user to search an electronic program guide. The combined teaching fails to explicitly disclose that the search results are received as out-of-band data from the head end. The Lemmons reference teaches the use of transmitting data from the head end to the set top box on an out-of-band channel so as to provide a continuous feed transmission (Paragraph 0042). Consequently, it would have been clearly obvious to one of ordinary skill in the art to modify the combined teaching with search results that are received as out-of-band data from the head end for the stated advantage.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ludvig et al. in view of Allibhoy et al. and further in view of Thomas et al. (US Pat No 5,666,645).

In regard to claim 18, the combined teaching discloses a search tool that enables a user to search an electronic program guide. The combined teaching fails to explicitly disclose that the program guide database that is searched is indexed. Thomas et al. teaches the indexing of a database so as to make entries easy to find. "The text fit process is a two stage process including a non-interactive background process that

scans the database for work which needs to be done and interactive processes that scan for marked entries that are indexed and easy to find" (Col 7, Lines 27-31). Consequently, it would have been clearly obvious to one of ordinary skill in the art to modify the combined teaching with an indexed program guide database so as to make entries easy to find.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 571-272-7352. The examiner can normally be reached on M-F: 9:00 - 5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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June 21, 2006
JM



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